

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE:

PDG PRESTIGE, INC.,

Debtor.

§
§
§
§
§
§

Case No. 21-30107

MOTION TO CONVERT CASE TO CHAPTER 7

TO THE HONORABLE H. CHRISTOPHER MOTT, U.S. BANKRUPTCY JUDGE:

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

PDG Prestige Inc., debtor and reorganized debtor herein (“Debtor”), files this *Motion to Convert Case to Chapter 7* and in support thereof would show to the Court the following.

1. On February 15, 2021, Debtor filed this case by filing a voluntary petition under Chapter 11.
2. On March 31 2022, the Court entered the *Order Confirming Second Amended Plan of Reorganization PDG Prestige, Inc. Dated March 29, 2022 as Modified (Re: Docket No. 145)*(Docket No. 148) confirming the *Second Amended Plan of Reorganization of PDG Prestige, Inc. Dated March 29, 2022, as Modified* (Docket No. 145) of the Debtor (collectively, the “Confirmed Plan”).
3. Since March 31, 2022, Debtor has not completed performance of the Confirmed Plan.
4. Since October-November, 2022, Legalist
 - a. directly and/or indirectly has controlled the sale process of Lot 3A, including the timing of any sale; and
 - b. has rejected one or more sale offers for the remaining Lot 3A, which offers were procured by the Debtor at the request of Legalist and presented by the Debtor to

Legalist, and which offers separately came from third parties and from Mr. Dixon, and ranged at various times from \$1.4 million to \$2.0 million.

5. The parties have possessed a CBRE appraisal of Lot 3A from November or December, 2022, indicating the value of the land.

6. Legalist responded to the sale offers that it required time to study the valuation of the remaining Lot 3A, and yet after eight to nine months have passed for such valuation study without any movement from Legalist.

7. Consequently, Debtor requests that the Court convert this case to Chapter 7 of the Bankruptcy Code.

8. Debtor reserves the right to amend, supplement, and/or withdraw this Motion prior to any hearing.

WEREFORE, PDG Prestige Inc., debtor and reorganized debtor here, respectfully request that the Court convert this case to a case under Chapter 7 of the Bankruptcy Code. Movant respectfully requests such other and further relief to which Movant is entitled at law or in equity.

Dated: June 23, 2023

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth
JEFF CARRUTH (TX SBN: 24001846)
3030 Matlock Rd., Suite 201
Arlington, Texas 76105
Telephone: (713) 341-1158
E-mail: jcarruth@wkpz.com

ATTORNEYS FOR
PDG PRESTIGE, INC.
REORGANIZED DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on June 23, 2023 by electronic notice, only, to counsel for Legalist and all ECF users who have appeared in this case to date and by regular mail to any party not appearing on the ECF list.

/s/ Jeff Carruth
JEFF CARRUTH

21-30107-hcm Notice will be electronically mailed to: (DUPLICATES DELETED)

James W. Brewer on behalf of Creditor New Mexico Real Estate Advisors, Inc. d/b/a Colliers International

jbrewer@kempsmith.com, tschoemer@kempsmith.com

Jeff Carruth on behalf of Debtor PDG Prestige, Inc.

jcarruth@wkpz.com, jcarruth@aol.com; ATTY_CARRUTH@trustesolutions.com

Harrel L. Davis, III on behalf of Creditor Suresh Kumar

hdavis@eplawyers.com, vrust@eplawyers.com; vpena@eplawyers.com

James Michael Feuille on behalf of Creditor Dennis Crimmins

jfeu@scotthulse.com, tmar@scotthulse.com

David P. Lutz on behalf of Debtor PDG Prestige, Inc.

dplutz@qwestoffice.net

David P. Lutz on behalf of Defendant PDG Prestige, Inc.

dplutz@qwestoffice.net

Michael R. Nevarez on behalf of Interested Party Westar Investors Group, LLC

MNevarez@LawOfficesMRN.com, MRN4Bankruptcy@gmail.com

Brad W. Odell on behalf of Creditor City bank

bodell@mhba.com, memert@mhba.com; mreynolds@mhba.com; bwodellscvtxw@ecf.axosfs.com

Clyde A. Pine, Jr. on behalf of Creditor HD Lending, LLC

pine@mgmsg.com, clyde.pine@gmail.com

James W Rose, Jr on behalf of U.S. Trustee United States Trustee - EP12

james.rose@usdoj.gov,

brian.r.henault@usdoj.gov; carey.a.tompkins@usdoj.gov; Roxana.peterson@usdoj.gov; aubrey.thomas@usdoj.gov

Donald P. Stecker on behalf of Creditor City Of El Paso

don.stecker@lgbs.com

Casey Scott Stevenson on behalf of Plaintiff Dennis Crimmins

cste@scotthulse.com, svar@scotthulse.com

United States Trustee - EP12

USTPRegion07.SN.ECF@usdoj.gov

PDG PRESTIGE, INC. -- MODIFIED SERVICE LIST Updated June 23, 2023					
Address1	Address2	Address3	Address4	Address5	METHOD OF SERVICE
City Bank	c/o Brad W. Odell	Mullin Hoard and Brown, LLP	P.O. Box 2585	Lubbock, Texas 79408-2585	Omit / ECF
City Bay Capital LLC	Benjamin Joelson, Esq.	Akerman LLP	1251 Avenue of the Americas, 37th F	New York, NY 10020-1104	ECF + Regular Mail
City of El Paso	c/o Don Stecker, Linebarger Goggan	112 E. Pecan St. Suite 2200	San Antonio, TX 78205-1588		ECF + Regular Mail
Comptroller of Public Accounts	C/o Office of the Attorney General	Bankruptcy - Collections Division MC	PO Box 12548	Austin TX 78711-2548	ECF + Regular Mail
DENNIS CRIMMINS	c/o CASEY S STEVENSON & JAMES M	SCOTTHULSE PC	PO BOX 99123	EL PASO TX 79999-9123	Omit / ECF
Dennis Crimmins	c/o Casey S. Stevenson	Scott Hulse	201 East Main Drive #1100	El Paso, TX 79901-1340	Omit / ECF
Dona Ana County Treasurer	845 N Motel Blvd.	Las Cruces, TX 88007-8100			Regular Mail
Gallardo	2701 W Picacho Ave, Ste 6	Las Cruces, NM 88007-4732			Regular Mail
HD Lending, LLC	c/o Clyde A. Pine, Jr.	Mounce, Green, Myers	P.O. Box 1977	El Paso, Texas 79999-1977	Omit / ECF
Internal Revenue Service	Special Procedures Staff - Insolvency	P. O. Box 7346	Philadelphia, PA 19101-7346		Omit / ECF
Michael Dixon					Omit / ECF
New Mexico Real Estate Advisors, Inc	d/b/a Colliers International	c/o Kemp Smith LLP	Attn: James W. Brewer	221 N. Kansas, Ste. 1700	Omit / ECF
PDG Inc.	780 N. Resler Drive Suite B	El Paso, TX 79912-7196			Omit / ECF
Springer Management	c/o Tom Springer	500 S. Telschor Blvd.	Las Cruces, TX 88011-4613		Omit / ECF
Suresh Kumar	c/o Harrel Davis	4695 North Mesa	El Paso, TX 79912-6150		Omit / ECF
TEXAS WORKFORCE COMMISSION	OFFICE OF ATTORNEY GENERAL-Bank	PO BOX 12548 - MC-008	AUSTIN, TX 78711-2548		Regular Mail
United States Trustee - EP12	U.S. Trustee's Office	615 E. Houston, Suite 533	P.O. Box 1539	San Antonio, TX 78295-1539	Omit / ECF
Westar Investors Group LLC	c/o Harrel Davis	4695 North Mesa	El Paso, TX 79912-6150		Omit / ECF
Jeff Carruth	Weyer Kaplan Pulaski & Zuber, P.C.	24 Greenway Plaza, #2050	Houston, TX 77046-2445		Omit / ECF
Jeff Carruth	Weyer Kaplan, Pulaski & Zuber, P.C	3030 Matlock Rd. Suite 201	Arlington, TX 76015-2936		Omit / ECF
Legalist DIP GP, LLC	c/o Russell W. Mills	Bell Nunnally & Martin LLP	2323 Ross Avenue, Suite 1900	Dallas, TX 75201	Omit/ECF
file ## 2351680					

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE:

PDG PRESTIGE, INC.,

Debtor.

§
§
§
§
§
§

Case No. 21-30107

**ORDER GRANTING MOTION TO CONVERT CASE TO CHAPTER 7
(RE: DOCKET NO. 264)**

On this day came on for consideration the Motion to Convert Case to Chapter 7 filed herein on June 23, 2023 by PDG Prestige Inc. debtor and reorganized debtor herein. Upon review of the record before the Court, the Court finds and concludes that the following Order should be entered.

IT IS THEREFORE ORDERED THAT:

1. This case is converted to a case under Chapter 7 of the Bankruptcy Code effective upon entry of this order.

END OF ORDERs

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE:

PDG PRESTIGE, INC.,

Debtor.

§
§
§
§
§
§

Case No. 21-30107

**ORDER GRANTING MOTION TO CONVERT CASE TO CHAPTER 7
(RE: DOCKET NO. 264)**

On this day came on for consideration the Motion to Convert Case to Chapter 7 filed herein on June 23, 2023 by PDG Prestige Inc. debtor and reorganized debtor herein. Upon review of the record before the Court, the Court finds and concludes that the following Order should be entered.

IT IS THEREFORE ORDERED THAT:

1. This case is converted to a case under Chapter 7 of the Bankruptcy Code effective upon entry of this order.

END OF ORDERs